

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Adjourned Meeting
September 25, 2001

6:00 p.m.

Meeting Convened. An Adjourned Meeting of the York County Board of Supervisors was called to order at 6:00 p.m., Tuesday, September 25, 2001, in the East Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and H. R. Ashe.

Walter C. Zaremba was absent.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

WORK SESSION

PRESENTATION ON LIGHT RAIL

Mr. Ross Kearney, Hampton Roads Transit, distributed copies of his presentation and the Peninsula Corridor Light Rail Study report on the screening of initial alternatives dated August 23, 2001. He indicated it was one of three projects currently under study. He stated the Portsmouth Corridor is the first step of the alignment, and the Portsmouth City Council was expected to approve it unanimously next week. Mr. Kearney then discussed the Hampton Roads Crossing and the Peninsula Corridor alignments. He stated four alignments are now being studied, and he spoke of the reasons why the Yorktown and Jamestown alignments were not being selected at this time as feasible. At this point in time for a starter line to occur and meet federal criteria and receive state funding, the region has to look at what the federal government will approve and what will be affordable to the localities. Mr. Kearney noted the four recommended alignments for detailed analysis are:

- CSX mainline between downtown Newport News and Williamsburg (baseline)
- Pembroke Avenue (CSX Branch) to downtown Hampton
- Hampton Roads Center Parkway to downtown Hampton
- Newport News-Williamsburg Airport/Oyster Point

He asked the Board to remember this was only a starter line, and spur lines can be studied at a later time. He encouraged the Board of Supervisors to start planning for such if York County wishes to have a spur, and to educate the public on the use of mass transit.

Mr. Wiggins stated he felt this was the perfect example of regionalism. He spoke of the previous initiative for bus service and the pilot program that was held in York County for several years that was not successful. Mr. Wiggins noted that Fort Eustis Boulevard was being ex-

tended, and he spoke of the benefits of having the Gloucester traffic use it and park close to the interstate and catch the light rail to go to the shipyard. He stated it would be a successful venture, and he felt the shipyard would be willing to help with the cost of the parking lots. Mr. Wiggins stated the benefit to York would be keeping traffic off of Route 17.

Mrs. Noll asked what type of light rail was Mr. Kearney talking about.

Mr. Kearney stated it was an advanced trolley car system.

Discussion followed on the ridership and cost effectiveness of extending high-speed rail in the region as well as the costs involved per mile for the light rail.

Mr. Ashe stated he heard figures from Northern Virginia last week that stated 80 percent of its highway funds are spent on light rail, and it only moves 8 percent of the people. He stated his concern with light rail was ridership and density. York County does not have the population density needed for mass transit.

Mrs. Noll stated a part of the problem is that it won't be cost effective, but there is also a problem with quality.

Mr. Ashe stated he wanted the citizens to understand the changes it will take for the county to make a system like light rail work.

Mrs. Noll indicated she did not honestly feel light rail would come into York County, but it was a regional issue that the Board needed to look at.

Chairman Burgett indicated to Mr. Kearney that staff would contact him for more information, and they would keep the citizens informed.

SECONDARY ROAD PLAN

Mr. McReynolds indicated that staff was recommending only two changes to the Secondary Road Plan:

Include Water Country Parkway extension to open up additional area for commercial development as well as facilitate improvements in access.

Move up the Burts Road project.

Mr. Ashe asked that someone explain the point value placed on the Burts Road project.

Mr. Quintin Elliott, VDOT Resident Engineer, stated the project will reduce a conflict point on Route 17 and do away with that access point. When this happens, it allows capacity to improve on Route 17.

Discussion followed on area developments being impacted and helped by the Burts Road realignment.

Chairman Burgett expressed his agreement with staff's recommendations.

A brief discussion took place concerning the Penniman Road project proposed for future consideration.

Mr. Wiggins stated the biggest question the citizens have is when will Fort Eustis Boulevard be finished.

Mr. Elliott stated the project was originally set up for a 2003 advertisement date. Three months were lost due to survey problems. The advertisement date now should be late 2003 with construction starting in the spring of 2004 and possible completion in 2006.

Mr. Ashe asked if the improvements on Big Bethel Road from Route 134 to Route 171 would alleviate backups.

Mr. Elliott stated they were only intersection jobs with turn lanes at each intersection. He stated the department was hoping to move more traffic through the intersections with one left and one right turn lane.

Mr. Ashe addressed his concern about the area along Big Bethel Road at the elementary school. He stated there are no shoulders to speak of for the children to walk on, and he asked if there would be any bike lanes or walkways planned by the middle school on Yorktown Road.

Mr. Elliott stated anything done will have paved shoulders to be used as a shared use for walking and bike riding.

Mr. J. Mark Carter, Planning and Zoning Manager, explained there will be a separate bike lane to be constructed next spring across the Tabb Middle school property.

Mr. Ashe stated his concern was that the County was spending its highway money in areas that he feels are secondary to where the children are at risk. He stated he did not feel the County had its priorities in order, and the County should have the roads in front of the schools upgraded first to take care of the children.

Meeting Recessed. At 6:53 p.m. Chairman Burgett declared a short recess.

Meeting Reconvened. At 7:02 p.m. the meeting was reconvened in open session by order of the Chair.

ZONING ORDINANCE AMENDMENTS REVIEW

Mr. McReynolds indicated that staff had been working on a number of issue papers and was prepared this evening to review the survey provided to the Board several weeks ago.

Chairman Burgett stated he asked that the questionnaire be completed by each of the Board members. He also asked that a copy of the notes from this meeting be given to Mr. Zaremba so that the information does not have to be revisited for him.

Mr. Carter noted that staff was in receipt of Mr. Zaremba's completed questionnaire. He asked that the other Board members give staff their completed questionnaires so that the responses could be compiled. Once that has been done, staff would be able to give the Board members an idea of where they agree on issues and concepts and where more discussion or change is

needed. Staff wishes to find ways to simplify the zoning process, clarify it, shorten it, and address issues where concerns have been raised. Through the Board's responses, staff can get an indication of the direction the Board wishes the County to move.

Mr. Wiggins stated he had reviewed all the questions, and he had his personal opinions on all of them. He indicated the problem he had is that he knows how he feels as a businessman on these issues, and he felt the Economic Development director should meet with the York County Business Association (YCBA) and any other business people to get them to also fill out the questionnaire because he did not feel the Board of Supervisors was qualified to make these decisions.

Chairman Burgett pointed out that the YCBA was given a copy of the questionnaire, and it would be involved. They had met and studied the questions, and their input will be welcome. He stated the purpose of this evening's meeting was simply a matter of providing a general philosophical guidance to the staff on the direction in which the Board wishes the County to move. The Board's responses will be blended with those of the business community.

Discussion then followed on the following items as Mr. Carter reviewed staff's reasoning for the questions contained in the questionnaire:

Lighting:

Mr. Carter indicated the staff asked if there should be more regulation in the Zoning Ordinance dealing more directly and clearly with the glare from lighting in various types of development. He explained the difference in the different types of lighting fixtures and bulbs. He noted that some minor changes will be coming before the Board in some housekeeping amendments to be considered on October 16.

Mr. Ashe stated he fully agreed with the full cut-off luminaires for new development. It is a great idea, and it needs to be extended a little further. There are many people living on the waterfront who have very bright lighting on their piers. He stated he never envisioned that the County would require a site plan submission that would show this.

Mr. Carter noted the requirement does not call for a special lighting plan, but the applicant only has to show a catalog cut sheet of the light that is planned to be used unless the applicant is not planning to use full cut-off luminaires.

Mr. Ashe stated he just didn't want to see the County getting into a lot of new requirements.

Chairman Burgett noted he felt the Board was in agreement with Mr. Ashe.

Mr. Ashe spoke of replacement lighting, stating the County shouldn't become involved unless it is a situation where rehabilitation is being done.

Mr. Carter stated the County does not require anyone to retrofit.

Off-Street Parking and Loading:

Mr. Carter suggested a need to take a look at the County's parking regulations regarding some of the ratios being lowered and situations where parking is substantially overbuilt.

Chairman Burgett asked if the County could allow parking on green areas in certain circumstances.

Mr. Ashe noted his agreement with Chairman Burgett that a pervious surface could be used for parking in some circumstances rather than requiring paved parking.

Mrs. Noll asked if there could be a maximum number of parking spaces listed in the ordinance for the size of the particular building.

Chairman Burgett noted that parking for a shopping center is very important. If there is not enough, it can kill a center's business.

Mrs. Noll then suggested allowing a development to expand its parking as it was needed.

Mr. Ashe noted there would then be concerns about increased cost. He stated he did not feel the County should control enterprise to that level. He indicated he felt there could be some recommendations made by staff, and most developers would work with them if the recommendations were reasonable.

Discussion followed regarding allowing parking on a pervious surface as needed.

Mr. Wiggins stated he felt if the developer was willing to spend the money to build the parking lots, they should be able to as long as they have taken care of the stormwater issues.

Mr. Ashe agreed with meeting with the developers and encouraging them, but he did not agree with making it mandatory.

Mrs. Noll spoke of the need for finding a happy medium. She stated the Board has to also think about its constituency as well as the businessman in the community. She expressed her agreement with development of parking areas as they are needed.

Mr. Carter noted that staff has addressed the use of cooperative parking arrangements between businesses and encouraging this to occur more often. He stated the Zoning Ordinance currently contains some disincentives for this type of configuration.

Mr. Ashe stated he would also encourage interconnection of parking areas from one shopping center to an adjacent one.

Mr. Carter mentioned parking islands, asking if staff should look at larger islands. He stated staff feels there were opportunities to encourage this also.

Mr. Ashe stated staff also needs to look at the County's ratio of spaces to trees; the public needs to be able to see the business. The stores need to be attractive and visible, not hidden by trees.

Mr. Wiggins addressed his concern regarding the height of the curbs. He asked if there was something the County could do to decrease the height so it would not damage modern cars.

Mr. Carter agreed it was something staff could certainly look at as well as the dimensions of the parking spaces.

Chairman Burgett stated he agreed that bicycle parking spaces should be encouraged but not mandated.

Mr. Carter noted that staff agreed that the bike standards needed to be studied.

After a brief discussion, the Board agreed that government should not be parking lot policemen.

Signs:

Mr. Carter asked if the Board thought there should be incentives to encourage an existing business to convert a current pole sign to a monument sign.

Chairman Burgett stated it was hard to see monument signs.

Mrs. Noll expressed her dislike of pole signs.

Mr. Ashe stated the monument sign was not always the right sign for each business. For safety purposes, when they are up in the air on a pole, one can see under them.

Mrs. Noll suggested that there be a maximum height.

Mr. Ashe noted that signage should be visible from a distance. He stated he was not a proponent of massive signs, but in many cases, some businesses should have bigger signs.

Chairman Burgett stated he felt the businessman should have the choice of either a pole sign or a monument sign with the same square footage.

Mr. Ashe stated the Board needed input from the business community as to how they are fairing with the present sign ordinance and their concerns and problems and what they would like to see amended.

Mr. Carter asked the Board members if they felt there should be an upper limit, or should the ratio be maintained; should there be limitations on width of base for pole signs; should the signage in Yorktown be unique; and should there be limitations placed on the use of flags.

Mr. Ashe stated he personally felt a business should do what it wants with flags. If it is a detraction to the community, then the citizens will not patronize the business.

Discussion followed concerning the use of temporary banners for grand openings and pennant flags.

Mrs. Noll stated she felt there should be a limitation on the time for conducting a grand opening of a new business.

Mr. Wiggins stated he felt a business has the right to have a grand opening whenever it wishes.

Chairman Burgett asked that if grand opening signs can be used at any time, when does a temporary sign become a permanent one.

Mr. Ashe agreed this was another area on which the Board needed the input of the business community.

Landscaping:

Chairman Burgett stated the bigger developments will have a landscape architect for their projects, but it is an extra expense for small businesses.

Mrs. Noll stated she felt it was a protection for the store owner if he has a landscape architect or nurseryman because the plantings will be guaranteed. She stated she would like the businesses to have the professional help to their advantage. Mrs. Noll also noted she would like to see the requirement for something less than 5 acres.

Mr. Ashe stated he felt the 5 acre size was fine.

Mr. Carter indicated there were also some questions that addressed the continuing obligation on the part of the owners to replace trees when they die, which is a big item regarding enforcement capability.

Chairman Burgett stated he did not want to create the landscape police. He stated trees die, and he did not want to get where there was a need for staff to go around checking for them. He stated most businessmen will replace them anyway because of their pride in their business.

Mr. Carter asked the Board members what they thought about the idea of a point-based system to be used regarding landscaping requirements.

Mrs. Noll stated she did not care what system was used as long as the final product was equal to what currently exists or better.

Chairman Burgett indicated he felt that overplanting was taking place, and he would like to see the County's extension agent brought in on this.

Mr. Ashe agreed that there are many situations in the County where there was overplanting. The total landscaping cannot be achieved all at once. One tree for every 350 square feet is contrary to common sense. He stated if the County continues with this requirement, it is not looking at the trees and how they mature.

Chairman Burgett stated the Board needs to look at the right amount of trees with the right amount of survival.

Mr. Wiggins stated the County's Sheriff is of the opinion that in places in the County there are too many trees that criminals can hide behind. The Sheriff also believes the height requirement for shrubbery should be lower.

Mrs. Noll stated there needs to be flexibility in the regulations with regard to where the landscaping is located on the property.

Mr. Carter suggested that the tradeoff would be to get one or two larger trees rather than 10 smaller trees that would grow to be a continuous hedge and that would hide the business.

Mr. Ashe suggested that when the plant list was looked at, staff needed to be looking at the most hardy trees because of water issues in the future.

Mr. Carter noted the questions included one about shrubs and the requirement for too many or too few; caliper size and cost were also an issue.

Chairman Burgett stated this is another issue where the Extension Agent's input was needed.

Mr. Carter then addressed transitional buffers and the credit system in deciding how much buffer was needed. He spoke of the current buffering requirements.

Chairman Burgett stated if there was commercial property backing up to vacant residential, to require the business owner to put the buffer on land that is more expensive than the residential land would ever be is not fair. If residential development already exists, he stated he could understand the business being required to buffer. He stated he felt the current requirements were fair.

Mr. Wiggins expressed his agreement with Chairman Burgett. The person developing the property should be required to keep the screening.

Mr. Ashe stated he could think of some situation where it could be a double edge sword, but he was basically in agreement with Chairman Burgett and Mr. Wiggins.

Discussion followed regarding special exceptions.

Mr. Carter asked the Board what they thought should be done in greenbelt areas.

Mr. Ashe stated that in situations where there are pines, oaks, and maples, they should be saved. He stated gum trees that are grown in wetness are not wanted because they will eventually die.

Forestry:

Mr. Carter noted there were not many large issues regarding forestry. The questions dealt with buffers and what the Board members consider to be the definition of clearcutting.

Mr. Ashe asked what was the buffer requirement.

Mr. Carter stated there is a requirement for a 50-foot buffer along roads; a 25-foot buffer on the sides; and a 50-foot buffer along streams.

A brief discussion following on thinning versus clearcutting.

Accessory Apartments:

Mr. Carter reviewed the questions concerning accessory apartments, stating the issue of what constitutes an accessory apartment will be a part of the housekeeping amendments coming before the Board on October 16. The remainder of the questions deal mostly with the size issue. He stated the average size of accessory apartments approved in the past is about 750 square feet.

Mr. Ashe stated he felt it would be a good idea to raise the threshold to 750 square feet, and require a special use permit for sizes over that.

Chairman Burgett agreed, stating he did not feel that anyone on the Board was against accessory apartments to take care of parents. He stated the real issue is when does it become a separate residence.

Mr. Ashe suggested that there be a requirement that the same meter be used.

Mrs. Noll stated she felt a maximum was needed on the size or it would be defeating the meaning of accessory apartment.

Mr. Ashe indicated that no matter what size of apartment was built, the owner will be paying taxes on it. He stated he did not think anyone would build anything larger than they can afford. Mr. Ashe did agree, though, that there should be a limit.

Mr. Wiggins stated the only objection he had was to keep people from renting out an apartment within a house. He indicated he did not feel it had to necessarily be a family member living in the apartment, asking what would be wrong with a caretaker living with an elderly person.

Mr. Ashe again noted he was in agreement with the 750 square feet with a special use permit for anything over that.

Mr. Carter then indicated the questionnaire asked about any general concerns the Board might have with the Zoning Ordinance.

Mr. Wiggins indicated he had not yet filled out the questionnaire because he wanted to contact the business community concerning many of the issues. He stated he would complete it within the next few days.

DRAINAGE COMMITTEE (Not on Agenda)

Mr. Wiggins expressed his concern that the Drainage Committee had not been reestablished. He stated he was constantly receiving calls, and he felt his hands were tied because he did not have the committee to go to for input and answers. He stated he was assured that the committee was going to be reset, and it needed to be done as quickly as possible.

Chairman Burgett indicated the County Administrator would be directed to work on establishing this committee as quickly as possible.

Mr. McReynolds stated staff realizes a body will be needed for public input as the federal and state regulations are better defined. With regard to ongoing maintenance issues, he asked that letters be forwarded to him so that he could get them to the proper staff members for action.

Mr. Wiggins stated the problem is that the County staff says a problem is VDOT's problem and VDOT turns around and says it is the County's problem. When the committee was active, it contained a representative from each area in the County, County staff, and VDOT staff; and the problems were ironed out by the committee immediately.

Mr. McReynolds indicated he had not been made aware of any coordination problems.

Mrs. Noll suggested that Mr. McReynolds take a look at the problems Mr. Wiggins has mentioned and work with VDOT.

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Mr. Wiggins stated when all the interested parties are in the same room, they see all the same information at the same time and come to the conclusions they need to work out a solution. Because this is not now being done, it has defeated the performance of the previous committee.

Chairman Burgett noted that a solution could not be decided at this time, and the Board would discuss it further with staff and come up with a plan.

Meeting Adjourned. At 8:34 p.m. Chairman Burgett declared the meeting adjourned sine die.

James O. McReynolds, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors